

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

SOTERO CEPEDA, JAYDEE CANTU,
ERIKA EXINA, MINERVA GARCIA,
EDGAR GONZALEZ, JOSE GONZALEZ,
JOSE MANCILLAS, JOSE MUNOZ,
ALBERTO OLIVERA, JR., EMMANUEL
PIZANA, FELIPE RAMIREZ, DROR SAAR,
CATALINA SHULL, ALEJANDRA
SILVEYRA, ARTURO TURRIBIATES

Plaintiffs,

vs.

WORLD ATLANTIC LEASING LLC, a
Florida corporation, d/b/a WORLD
ATLANTIC AIRLINES

Defendant

Case No:

NOTICE OF REMOVAL

Defendant Caribbean Sun Airlines, Inc., d/b/a World Atlantic Airlines, incorrectly sued as World Atlantic Leasing, LLC, (“World Atlantic Airlines”) by and through its attorneys Esparza & Garza, L.L.P. and KMA Zuckert LLC, hereby removes this pending action, Case No. 2019-DCL-02368, from the 103rd District Court of Cameron County, Texas, to the United States District Court for the Southern District of Texas, Brownsville Division, on the following ground:

1. This action was commenced against World Atlantic Airlines in the 103rd District Court of Cameron County, Texas, by the filing of an Original Petition on April 17, 2019. *See* Original Petition attached as Exhibit A. In accordance with 28 U.S.C. § 1446(a), Defendant World Atlantic Airlines attaches to this Notice of Removal a copy of the certified docket sheet, all process, pleadings, and orders on file in the 103rd District Court of Cameron County action at the time of

removal that pertain to World Atlantic Airlines. *See* Exhibits B and D attached hereto.

2. In accordance with 28 U.S.C. § 1446(d), following the filing of this Notice, written notice of the filing of this Notice of Removal will be given to the Plaintiffs and will be filed with the Clerk of Court for the Circuit Court of Cameron County, Texas.

3. This Notice of Removal is timely in accordance with 1446(b). Plaintiffs provided defendant notice of the pleadings on April 1, 2020 via United States Postal Service mail.

4. On April 20, 2018, defendant World Atlantic Airlines operated a charter flight from O'Hare International Airport in Chicago, Illinois, to Alexandria International Airport in Alexandria, Louisiana, designated as Flight 708. Flight 708 took place as part of a repatriation mission performed by the United States Department of Homeland Security's Immigration and Customs Enforcement Agency ("ICE"). Among the passengers on Flight 708 were the Plaintiffs: thirteen private security guards, the required in-flight nurse, and one ICE agent. When landing in Alexandria, the right main landing gear on the MD-83 aircraft used for Flight 708 collapsed. After Flight 708 stopped on the runway, all passengers and flight personnel were evacuated. Plaintiffs seek damages in excess of \$1,000,000 for personal injuries each of them allegedly sustained in the landing incident. *See* Exhibit A, Original Petition, p. 3.

GROUND FOR REMOVAL

ORIGINAL JURISDICTION FOUNDED ON DIVERSITY OF CITIZENSHIP UNDER 28 U.S.C. § 1332

5. This is a civil action over which this Court has original jurisdiction based on the existence of diversity of citizenship between the parties pursuant to 28 U.S.C. § 1332, and is one which may be removed to this Court by World Atlantic Airlines pursuant to the provisions of 28 U.S.C. § 1441(a), in that it is a civil action wherein the matter in controversy exceeds the sum or

value of \$75,000, exclusive of interest and costs, and is between citizens of different states. 28 U.S.C. §1332(a)(1).

6. All Plaintiffs are residents of the state of Texas. *See* Exhibit A, Original Petition, p. 1.

7. For the purposes of 28 U.S.C. §§ 1332 and 1441, “a corporation shall be deemed a citizen of every State and foreign state by which it has been incorporated and the state or foreign state where it has its principal place of business. . .” 28. U.S.C. § 1332(c)(1).

8. World Atlantic Airlines is not now and never has been a citizen of the State of Texas. World Atlantic Airlines is now and at all times relevant to this action was a corporation organized and existing under the laws of Delaware with its principal place of business located in Miami, Florida. *See* Exhibit C, Declaration of Tomas Romero.

9. Plaintiffs’ claims arise from the landing incident involving Flight 708. Plaintiffs allege that they each sustained injuries of a personal and pecuniary nature, including bodily injury. *See* Exhibit A, Original Petition, p. 3. The amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. *See* Exhibit A, Original Petition, p. 3.

10. World Atlantic Airlines is the only defendant in this lawsuit and therefore no consent is required pursuant to 28 U.S.C. § 1446(b)(2)(A).

11. Accordingly, this action may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1332 and 1441(a).

WHEREFORE, Defendant, World Atlantic Airlines, prays that the above-entitled action now pending in the 103rd District Court of Cameron County, Texas be removed to the United States District Court for the Southern District of Texas, Brownsville Division, pursuant to 28

U.S.C. §§ 1441 and 1332.

Dated: April 27, 2020

Respectfully submitted,

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World Atlantic Airlines

CERTIFICATE OF SERVICE

The undersigned certifies that, on April 27, 2020, pursuant to Fed. R. Civ. P. 5 and LR 5.5, a true and correct copy of the foregoing Notice of Removal was filed with the Clerk of Court using the CM/ECF System, which will send notification of such filing to the attorneys of record at the email addresses on file with the court, or was served by the method indicated below:

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☐ Via CM/ECF
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/s/ Eduardo G Garza
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